

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROBERT ASSIL,

Plaintiff,

-against-

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

No. 07-CV-11037

Plaintiff **ROBERT ASSIL**, by and through his undersigned attorneys, **THE LAW OFFICES OF JEFFREY LICHTMAN** and **THE LAW OFFICE OF MARC FERNICH**, complaining of the defendant, alleges on information and belief as follows:

NATURE OF THE ACTION

1. This is an equitable action seeking the return of property seized by the government and held for an unreasonably long period without institution of proceedings to justify its retention.

JURISDICTION AND VENUE

2. This Court has jurisdiction under the Fourth Amendment to the U.S. Constitution and Fed. R. Crim. P. 41(g). No criminal proceedings are currently pending.

3. Venue is proper under Rule 41(g) in that, on information and belief, the property at issue was seized in this District.

THE PARTIES

4. Plaintiff Robert Assil is an individual residing at 114 South Burlingame Ave., Los Angeles, California 90049.

5. Defendant is the United States government.

FACTUAL ALLEGATIONS

6. In or about 1999-2000, the government, in connection with a criminal investigation, froze a Morgan Stanley Dean Witter money market account (No. 4841005498709) and seized \$200,000.00 belonging to Assil.

7. The investigation resulted in the indictment of several of Assil's business associates – but not Assil himself – in the case of *United States of America v. Zikorus, et al.*, 99 CR 00754 (S.D.N.Y.).

8. On or about July 26, 2000, the *Zikorus* case was transferred to the Central District of California and assigned docket number 00 CR 00801.

9. The criminal proceedings in *Zikorus* have since concluded.

10. Assil was never notified of any forfeiture proceedings, administrative or judicial, against the money.

FIRST CAUSE OF ACTION

11. Assil has been aggrieved by the deprivation of his property, namely \$200,000.00, for an unreasonable amount of time.

12. No proceedings have been instituted to justify continued retention of the property. Assil is, therefore, entitled to its immediate return.

PRAYER FOR RELIEF

WHEREFORE plaintiff Robert Assil demands the following relief:

- I. Return of his property in the amount of \$200,000.00 with appropriate interest.
- II. Legal fees and expenses pursuant to 28 U.S.C. § 2412(d)(1)(a) and as otherwise allowed by law and the Court's inherent power.

III. Any other relief this Court deems appropriate.

Dated: New York, New York
Dec. 5, 2007

Respectfully submitted,

LAW OFFICES OF JEFFREY LICHTMAN

BY: 

JEFFREY LICHTMAN (JL6328)

Law Offices of Jeffrey Lichtman
750 Lexington Ave., 15th Fl.
New York, New York 10022
(212) 581-1001

BY: 

MARC FERNICH (MF9819)

Law Office of Marc Fernich
750 Lexington Ave., 15th Fl.
New York, New York 10022
(212) 446-2346

Attorneys for Plaintiff Robert Assil